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MEMO ENDORSED, p. 3

May 17, 2022

VIA ECF

Hon. Sidney H. Stein, U.S.D.J.
United States District Court, S.D.N.Y.
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1010
New York, NY 10007

Re: Nat'l Credit Union Admin. Bd. v. Deutsche Bank Nat'l Trust Co., No. 14-cv-8919

Dear Judge Stein:

We represent Defendant Deutsche Bank National Trust Company, as trustee for the 18 residential mortgage-backed securitization trusts at issue herein (the “Trustee”). We write, pursuant to Section 5(B) the Court’s Individual Practices, to seek leave to file certain documents under seal or with redactions in connection with the Trustee’s accompanying motion to exclude the report, opinions, and testimony of Leonard A. Blum (the “Motion to Exclude Blum”).

First, consistent with the Court’s recent orders (Dkt.## 365 & 367), the Trustee seeks the Court’s permission to: (a) redact or file under seal non-public personal borrower information; (b) file under seal complete documents that contain voluminous amounts of non-public personal borrower information; and (c) publicly file documents containing full loan numbers where those loan numbers are not connected to any non-public personal borrower information.

Second, consistent with the Court’s recent order (Dkt.# 365) and pursuant to Paragraph 31 of the Stipulation and Agreed Protective Order (Dkt.# 199) (the “Protective Order”), the Trustee seeks the Court’s permission to redact or file under seal non-public confidential information produced by a non-party.

Third, consistent with the Court’s recent order (Dkt.# 366), the Trustee seeks the Court’s permission to electronically file slip sheets in place of voluminous native exhibits, and also submit DVD copies of native exhibits for the official record.

I. Motion Papers and Exhibits Containing Non-Public Personal Borrower Information

The Trustee seeks the Court’s permission to: (a) redact or file under seal non-public personal borrower information; (b) file under seal complete documents that contain

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voluminous amounts of non-public personal borrower information; and (c) publicly file documents containing full loan numbers where those loan numbers are not connected to any non-public personal borrower information.

Most of this material consists of or is derived from the “Expert Report of Leonard A. Blum,” dated July 23, 2021 (the “Blum Report”), which the Trustee previously submitted to the Court as an exhibit to its summary judgment motion papers partially under seal. Dkt.# 312-2 (Exhibit 37 to the Declaration of Nathan T. Shapiro, dated February 28, 2022).

The following materials that are being submitted with the Trustee’s Motion to Exclude Blum contain non-public personal borrower information, specifically loan numbers and borrower names and/or addresses:

- “Memorandum of Law of Defendant Deutsche Bank National Trust Company, as Trustee, in Support of its Motion to Exclude the Report, Opinions, and Testimony of Leonard A. Blum,” dated May 17, 2022 (the “Trustee Daubert Memo”);
- “Declaration of Jawad B. Muaddi in Support of the Motion of Defendant Deutsche Bank National Trust Company, as Trustee, to Exclude the Report, Opinions, and Testimony of Leonard A. Blum,” dated May 17, 2022 (the “Muaddi Declaration”);
- Muaddi Declaration Exhibit (“Muaddi Ex.”) 2 (the Blum Report);
- Muaddi Ex. 13 (derived from the Blum Report);
- Muaddi Ex. 14 (derived from the Blum Report);
- Muaddi Ex. 15 (derived from the Blum Report);
- Muaddi Ex. 16 (derived from the Blum Report);
- Muaddi Ex. 19 (Excel spreadsheet produced by non-party Wells Fargo Bank, N.A. (“Wells Fargo”) pursuant to a subpoena served by NCUA); and
- Muaddi Ex. 22 (document previously filed partially under seal as Exhibit 483 to the Declaration of Grant MacQueen, dated March 30, 2022 (Corrected April 25, 2022). Dkt.# 383-33 (redacted version); Dkt.# 387-5 (sealed version).

For the reasons articulated, and the authorities cited, in the parties’ “So Ordered” joint letter (Dkt.# 367), the Trustee respectfully requests permission to file the foregoing materials under seal or with redactions, in the manner described above.

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II. Exhibits and Motion Papers Containing Information About Non-Parties

The Trustee seeks the Court's permission to file under seal two documents containing non-public confidential information produced by a non-party pursuant to a subpoena served by NCUA: (i) Muaddi Ex. 19, and (ii) Muaddi Ex. 29. As noted above, Muaddi Ex. 19 is an Excel spreadsheet produced by non-party Wells Fargo, and it was designated Confidential under the Protective Order. Muaddi Ex. 29 is a non-public declaration provided by Wells Fargo in connection with its production of confidential documents in response to NCUA's subpoena, and contains descriptions of those confidential documents. The Trustee also requests permission to redact references to Muaddi Ex. 19 and Muaddi Ex. 29 in the Trustee Daubert Memo and Muaddi Declaration. The Court recently allowed the Trustee to submit non-public confidential information about non-parties under seal. Dkt.# 365.

For the reasons articulated, and the authorities cited, in the Trustee's "So Ordered" letter (Dkt.# 365), the Trustee respectfully requests permission to file the foregoing materials under seal or with redactions.

III. Native Exhibits

Certain of the exhibits to the Muaddi Declaration are voluminous, namely native Microsoft Excel electronic files. Rather than print these exhibits to PDF, the Trustee proposes to electronically file voluminous native exhibits as slip sheets describing the document and its native format generally, and also submit DVD copies of native exhibits for the official record. Printed PDFs will not present the underlying electronic information (e.g., Excel formulas and internal references) and are likely to result in unreadable or very difficult-to-read documents, particularly in instances where there are numerous columns of data as is often the situation for these types of exhibits. The Court recently permitted the parties to file such exhibits in this manner. Dkt.# 366.

For the reasons articulated in the parties' "So Ordered" joint letter (Dkt.# 366), the Trustee respectfully requests permission to file the foregoing materials in the manner described above.

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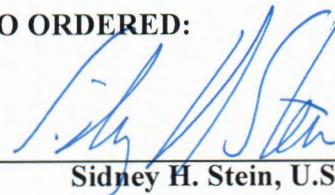
We thank the Court for its attention to this matter.

Respectfully submitted,
Bernard J. Garbutt III

Request granted.

Dated: New York, New York
May 23, 2022

SO ORDERED:



Sidney H. Stein, U.S.D.J.